

Monterey County Workforce Development Board (WDB)
LOCAL POLICY #2017-03

Effective Date: November 29, 2017

Initial Release/Effective Date: May 5, 2010
Supersedes WDB Policies: 2010-02, 2003-04, 2003-05, 2003-06, 2003-07, 2003-08
Full WDB/Executive Committee Adopted: November 29, 2017

TO: Monterey County Workforce Innovation and Opportunity Act (WIOA) Title I Service Providers

SUBJECT: WIOA Adult and Dislocated Worker Eligibility Documentation and Verification

PURPOSE: This policy provides information and guidance pertaining to the Monterey County Workforce Development Board's definition of WIOA Title I Adult and Dislocated Worker eligibility documentation and verification procedures.

REFERENCES: WIOA Final Rule, 20 Code of Federal Regulations (CFR), Part 680—Adult and Dislocated Worker Activities under Title I of the Workforce Innovation and Opportunity Act, Subpart A, Sections 680.100– 680.195; and Training and Employment Guidance Letter (TEGL) 19-16, (March 1, 2017).

POLICY: The following information outlines the definitions, general program and eligibility requirements which must be met by WIOA Adult and Dislocated Worker program applicants for consideration of enrollment by WIOA program staff and service providers into the applicable WIOA Adult and or Dislocated Worker program. Reference page 3 of this policy and the attachment – for a list of acceptable eligibility documentation and verification criteria.

Definitions:

1. **Verification** – means to confirm an eligibility requirement through examination of official documents or by verbally confirming information by speaking with representatives of appropriate agencies. In the case of verbal confirmation, written documentation of the conversation should be included in the file. (A case note in the file is sufficient written documentation.)
2. **Documentation** – means to maintain evidence of information obtained during the verification process. Such evidence is outlined on the following page and attachment “WIOA Eligibility & Documentation Verification Form”.
3. **Attachment to the Workforce** – For the purpose of this policy, sufficient attachment to the workforce is defined to mean at least three consecutive months of full-time (32 hours or more a week) employment in the occupation from which they are dislocated, within the last 12 months prior to the date of the WIOA application.
4. **“Unlikely to Return” to a previous industry or occupation** – Reference WDB Policy #2017-04 “Unlikely to Return” and attachment online at: www.montereycountywdb.org/policies/
5. **Substantial Layoff** – For the purpose of this policy, substantial layoff is defined as one that affects 10% or more of the employees of an employer's workforce who regularly worked 20 hours or more per week.
6. **General Announcement** – For the purpose of this policy, the general announcement of a facility closing criterion may include a Worker Adjustment and Retraining Notification (WARN) announcement, unemployment insurance records indicating a facility or business closure, a written notice from an agent of the affected facility or business, newspaper article, foreclosure notice to the employer, documentation of a natural disaster necessitating a facility or business

closure or a self-certification statement written by the applicant. In cases where self-certification is utilized, the reason why other documentation is unavailable must be included in the statement.

7. **General Economic Conditions** – For the purpose of this policy, the general economic conditions in the community in which the individual resides includes situations that have a direct adverse effect on the self-employed which are beyond individual control. Examples of such conditions include self-employment in a declining industry, general decline in local economy, business decline due to seasonal factors, and closure of businesses that previously provided demand for products or services.
8. **Natural Disasters** – For the purpose of this policy, a natural disaster means the former occupation or industry has depressed local labor market conditions necessitating a facility or business closure due to the effects of extreme or unusual weather patterns.
9. **Displaced Homemaker** – means an individual who has been providing unpaid services to family members in the home and who – (A)(i) has been depending on the income of another family member but is no longer supported by that income; or (ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and (B) Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
10. **Eligible Spouse** – means an individual whose military active duty or veteran spouse was— a. Any veteran who died of a service-connected disability; b. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days: i. Missing in action; ii. Captured in the line of duty by a hostile force; or iii. Forcibly detained or interned in the line of duty by a foreign government or power; c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or d. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service-connected disability were “5” to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service member.
11. **Separating Service Members** – service members exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for Ex-service members (UCX), generally qualify as dislocated workers. In the case of separating service members, because they may be on a terminal leave from the military, it may make sense to begin providing career services while the service member may still be part of the Active Duty military, but has an imminent separation date. It is appropriate to provide career services to separating service members who will be imminently separating from the military, provided that their discharge will be anything other than dishonorable. A separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation in the military.

ATTACHMENT: WIOA Eligibility & Documentation Verification Form

INQUIRIES: For questions or assistance related to this policy, please contact the Monterey County Workforce Development Board staff at (831) 796-6434. This policy is posted on the WDB website located at: www.montereycountywdb.org/policies/

General Program and Eligibility Requirements:

General Eligibility	
Date of Birth (age)	Verify birth certificate, driver's license, passport, etc.
Last 4 of SS#	Verify Social security card
U.S. Work Authorization	Satisfy documentation on Form I-9: www.uscis.gov
Selective Service	Males only. Verify: https://www.sss.gov/
Program Eligibility for Services	
Age	18 years or older
School Status	N/A
Income Criteria for Adults	Meets LLSIL guidelines: www.montereycountywdb.org/policies/policies/
Income Criteria for Dislocated Workers	Unemployed
Eligibility Criteria, meets one or more of the following below each category:	
WIOA Adults	WIOA Dislocated Workers
Meets Priority of Service guidelines, based on the following categories below and WDB policy #2015-01 WIOA Adult Priority of Service: www.montereycountywdb.org/policies/policies/	<input type="checkbox"/> Option 1 – Proof that individual (A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment, including separation notice from active military service (under other than dishonorable conditions); AND (ii) (I) is eligible for or has exhausted entitlement to unemployment compensation; OR (II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce , but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; AND (iii) is unlikely to return to a previous industry or occupation ; <input type="checkbox"/> Option #2 – Proof that individual has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise. <input type="checkbox"/> Option #3 – Proof that individual is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or (iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close. <input type="checkbox"/> Option #4 – Proof that individual was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters . <input type="checkbox"/> Option #5 – Proof that individual is a displaced homemaker . <input type="checkbox"/> Option #6 – Spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member. <input type="checkbox"/> Option #7 – Spouse of a member of the Armed Forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. <input type="checkbox"/> Option #8 – Spouse of a member of the Armed Forces on active duty whose family income is significantly reduced, as determined by the State or local area, because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the service member.
Priority of service:	
<input type="checkbox"/> Veteran and/or Eligible Spouse	
<input type="checkbox"/> Recipient of Public Assistance	
<input type="checkbox"/> Low Income	
<input type="checkbox"/> Basic Skills Deficient	